

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

RISEANDSHINE CORPORATION d/b/a  
RISE BREWING,  
*Plaintiff,*

v.

PEPSICO INC.,  
*Defendant.*

CASE NO. 1:21-cv-06324-LGS-SLC

Honorable Lorna Schofield

**PLAINTIFF’S NOTICE OF APPEAL TO THE  
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

Notice is hereby given under Federal Rule of Appellate Procedure 3 that Plaintiff RiseandShine Corporation d/b/a Rise Brewing (“Rise”) appeals to the United States Court of Appeals for the Second Circuit from the final Judgment entered on August 2, 2023 (Dkt. 444) and all orders, decisions, rulings, findings, and conclusions that underlie or relate thereto, including but not limited to the Court’s August 2, 2023, Order and Opinion (Dkt. 443) granting summary judgment against Rise regarding Rise’s claims under the Lanham Act and New York common law.

Submitted August 16, 2023

/s/ Paul Tanck

Paul Tanck (Bar No. 4298840)

Paul.Tanck@alston.com

Neal J. McLaughlin (Bar No. 4732020)

Neal.mclaughlin@alston.com

Christopher L. McArdle (Bar. No. 4823654)

Chris.McArdle@alston.com

ALSTON & BIRD LLP

90 Park Ave

New York, NY 10016

Tel. (212) 210-9400

Fax. (212) 210-9444

Jason Rosenberg  
Jason.Rosenberg@alston.com  
Holly Hawkins Saporito  
Holly.Saporito@alston.com  
Emily Welch  
Emily.Welch@alston.com  
Shaleen Patel  
Shaleen.Patel@alston.com  
ALSTON & BIRD LLP  
1201 W. Peachtree Street  
Atlanta, GA 30309  
Tel. (404) 881-7000  
Fax. (404) 881-7777

*Counsel for Plaintiff RiseandShine Corporation*

**CERTIFICATE OF SERVICE**

I certify that on August 16, 2023, I filed a copy of this NOTICE OF APPEAL using the Court's CM/ECF system, which automatically provides service to all counsel of record.

*/s/ Paul Tanck*

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Paul Tanck (Bar No. 4298840)

Paul.Tanck@alston.com